

S/N 09/973283

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Joy Campbell et al.

Examiner: G. Ewoldt

Serial No.: 09/973283

Group Art Unit: 1644

Filed: October 9, 2001

Docket: 1828.006US1

Title: METHODS AND COMPOSITIONS FOR MODULATING THE IMMUNE  
SYSTEM OF ANIMALS

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants have reviewed the Restriction Requirement mailed April 9, 2004.

This response is accompanied by a Petition, as well as the appropriate fee, to obtain a one-month extension of the period for responding to the Restriction Requirement, thereby moving the deadline for response from May 9, 2004 to June 9, 2004.

In the Restriction Requirement, the Examiner required that Applicants elect:

(A) a specific embodiment of orally administering an immunoglobulin composition to an animal;

(B) a specific animal; and

(C) a specific source of immunoglobulin.

With respect to each requirement, Applicants provisionally elect, with traverse:

(A) a method of regulating the immune response in an animal comprising orally administering an immunoglobulin composition to an animal (claim 45);

(B) pig; and

(C) blood.

Claims 45, 47-49, 51-53, and 56-59 read on the elected species.

The Restriction Requirement is traversed on the basis that Restriction Requirements are optional in all cases. M.P.E.P. § 803. If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it arguably may include claims to distinct or independent inventions. M.P.E.P. § 803. It is respectfully submitted that the search and examination of the claims can be made without serious burden on the Office. For example, it is respectfully submitted that a search for prior art relating to a method of

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regulating the immune response in an animal comprising orally administering an immunoglobulin composition to an animal (claim 45), without requiring the election of a specific animal or a specific source of immunoglobulin, would not place an undue burden on the Office. In the event that the Examiner withdraws the requirement for the election of a specific animal and a specific source of immunoglobulin, claims 45-59 would read on the elected species. Thus, reconsideration and withdrawal of the Restriction Requirement is respectfully requested.

Applicants reserve the right to file divisional application(s) on the non-elected species.

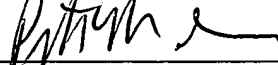
Conclusion

Applicants respectfully submit that the claims are in condition for examination. The Examiner is invited to telephone Applicant's attorney at (612) 371-2110 to facilitate prosecution of this application.

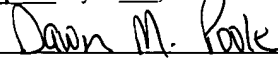
If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

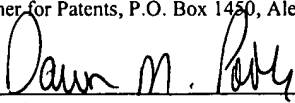
Respectfully submitted,  
JOY CAMPBELL ET AL.  
By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
(612) 349-9580

Date Jun 9, 2004 By   
Peter L. Malen  
Reg. No. 44,894

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 9th day of June, 2004.

  
Name

  
Signature